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*Proposed Co-Counsel for Debtors and  
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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In re:

BED BATH & BEYOND INC., *et al.*,

Debtors.<sup>1</sup>

Chapter 11

Case No. 23-13359 (VFP)

(Jointly Administered)

**APPLICATION FOR ORDER SHORTENING TIME**

TO THE HONORABLE VINCENT F. PAPALIA, UNITED STATES BANKRUPTCY JUDGE:

The above-captioned debtors and debtors in possession (collectively, the “Debtors”) by and through their undersigned counsel request that the time period to notice a hearing on the

<sup>1</sup> The last four digits of Debtor Bed Bath & Beyond Inc.’s tax identification number are 0488. A complete list of the Debtors in these Chapter 11 Cases and each such Debtor’s tax identification number may be obtained on the website of the Debtors’ claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>. The location of Debtor Bed Bath & Beyond Inc.’s principal place of business and the Debtors’ service address in these Chapter 11 Cases is 650 Liberty Avenue, Union, New Jersey 07083.

*Debtors' Motion for Entry of an Order Pursuant to Sections 365 and 363 Approving the Lease Termination Agreement with PRW Urban Renewal I, LLC, And Prologis USLF NV II LLC and Authorizing the Accompanying Sale and Transfer of Property Located at the Premises* (the "Motion"),<sup>2</sup> as required by Fed. R. Bankr. P. 2002 be shortened pursuant to Fed. R. Bankr. P. 9006(c)(1), and respectfully submit:

1. A shortened time hearing is requested because: As more fully described in the Declaration of Holly Etlin, Chief Restructuring Officer and Chief Financial Officer of Bed Bath & Beyond Inc., in Support of the Debtors' Chapter 11 Petitions and First Day Motions [Docket No. 10], the Debtors commenced these Chapter 11 Cases to implement an expedited process to maximize the value of the Debtors' estates for the benefit of all stakeholders. The Debtors have commenced an orderly and value-maximizing wind down of their business, while contemporaneously marketing a sale of all or part of their business on an expedited timeline consented to by their prepetition and DIP lenders. Given the fast pace of these Chapter 11 Cases, the Debtors believe, in their business judgment, that entry into the Lease Termination Agreement (as defined in the Motion) is in the best interest of the estates. Moreover, given that the Termination Date for one of the Leases is May 31, 2023 (and the other June 30, 2023), and the Lease Termination Agreement would eliminate the Debtors' obligation to pay rent for June, it is imperative that the Motion is heard as soon as practicable. The Debtors do not believe that any party will be prejudiced by the shortened notice for a hearing, and the Lenders have no objection to the terms of the Lease Termination Agreement.

2. State the hearing dates requested: The Debtors respectfully request that the Court hear the Motion on June 6, 2023 at 2:30 p.m. (E.T.), the date that the Debtors and parties in

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<sup>2</sup> Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion.

interest are scheduled to appear for the Court to consider the relief requested in the *Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Liens and Superpriority Administrative Expense Claims, (III) Granting Adequate Protection, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief* [Docket No. 25].

3. Reduction of the time period is not prohibited under Fed. R. Bankr. P 9006(c)(1).

**WHEREFORE**, the Debtors respectfully request entry of the proposed order shortening time, in substantially the form submitted herewith, granting the relief requested herein and such other relief as is just and proper under the circumstances.

Dated: May 30, 2023

*/s/ Michael D. Sirota*

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*Proposed Attorneys for Debtors and  
Debtors in Possession*

**Proposed Order**

<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY</b>	
<b>Caption in Compliance with D.N.J. LBR 9004-1(b)</b>  <b>KIRKLAND &amp; ELLIS LLP KIRKLAND &amp; ELLIS INTERNATIONAL LLP</b> Joshua A. Sussberg, P.C. (Admitted <i>pro hac vice</i> ) Emily E. Geier, P.C. (Admitted <i>pro hac vice</i> ) Derek I. Hunter (Admitted <i>pro hac vice</i> ) 601 Lexington Avenue New York, New York 10022 Telephone: (212) 446-4800 Facsimile: (212) 446-4900 joshua.sussberg@kirkland.com emily.geier@kirkland.com derek.hunter@kirkland.com  <b>COLE SCHOTZ P.C.</b> Michael D. Sirota, Esq. Warren A. Usatine, Esq. Felice R. Yudkin, Esq. Court Plaza North, 25 Main Street Hackensack, New Jersey 07601 Telephone: (201) 489-3000 msirota@coleschotz.com wusatine@coleschotz.com fyudkin@coleschotz.com  <i>Proposed Co-Counsel for Debtors and Debtors in Possession</i>	
In re:  BED BATH & BEYOND INC., <i>et al.</i> ,  Debtors. <sup>1</sup>	Chapter 11  Case No. 23-13359 (VFP)  (Jointly Administered)

**ORDER SHORTENING TIME PERIOD FOR NOTICE**

The relief set forth on the following page is hereby **ORDERED**.

Upon review of the Debtors' *Application for Order Shortening Time* (the "Application"),<sup>2</sup> of the above-captioned debtors and debtors in possession (collectively, the "Debtors") for entry

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<sup>1</sup> The last four digits of Debtor Bed Bath & Beyond Inc.'s tax identification number are 0488. A complete list of the Debtors in these Chapter 11 Cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>. The location of Debtor Bed Bath & Beyond Inc.'s principal place of business and the Debtors' service address in these Chapter 11 Cases is 650 Liberty Avenue, Union, New Jersey 07083.

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Debtors: BED BATH & BEYOND INC., *et al.*  
Case No. 23-13359 (VFP)  
Caption of Order: ORDER SHORTENING TIME PERIOD FOR NOTICE

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of an order (this “Order”) requesting that the time period for the *Debtors’ Motion for Entry of an Order Pursuant to Sections 365 and 363 Approving the Lease Termination Agreement with PRW Urban Renewal 1, LLC, And Prologis USLF NV II LLC and Authorizing the Accompanying Sale and Transfer of Property Located at the Premises* (the “Motion”), be shortened pursuant to Fed. R. Bankr. P. 9006(c)(1),

**IT IS HEREBY ORDERED THAT:**

1. A hearing will be conducted on the Motion on \_\_\_\_\_, 2023 at \_\_\_\_\_: \_\_\_\_\_ .m. (E.T.), before the Honorable Vincent F. Papalia, Martin Luther King Jr. Federal Building, 50 Walnut Street, Courtroom 3B, Newark, New Jersey 07102.
2. The Debtors must serve a copy of this Order, and all related documents to all parties in interest by either regular mail or email, as applicable.
3. Service must be made within \_\_\_\_\_ days of the date of this Order.
4. Notice by telephone is not required.
5. Any objections to the Motion must be filed no later than \_\_\_\_\_ days before the hearing.
6. Information to participate in the hearing via zoom can be found at [www.njb.uscourts.gov/bbb#zoom](http://www.njb.uscourts.gov/bbb#zoom)

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<sup>2</sup> Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Application.